



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission  
Through: Townsley Schwab, Acting Sr. Director of Planning & Environmental Resources *TS*  
From: Steven Biel, Sr. Planner *SB*  
Date: September 23, 2008  
Subject: *Request for a variance by Habitat for Humanity of Key West and the Lower Keys for property located on the Overseas Highway, between Sapphire and Emerald Drives, Big Coppitt Key, Real Estate No. 00156320.000000*

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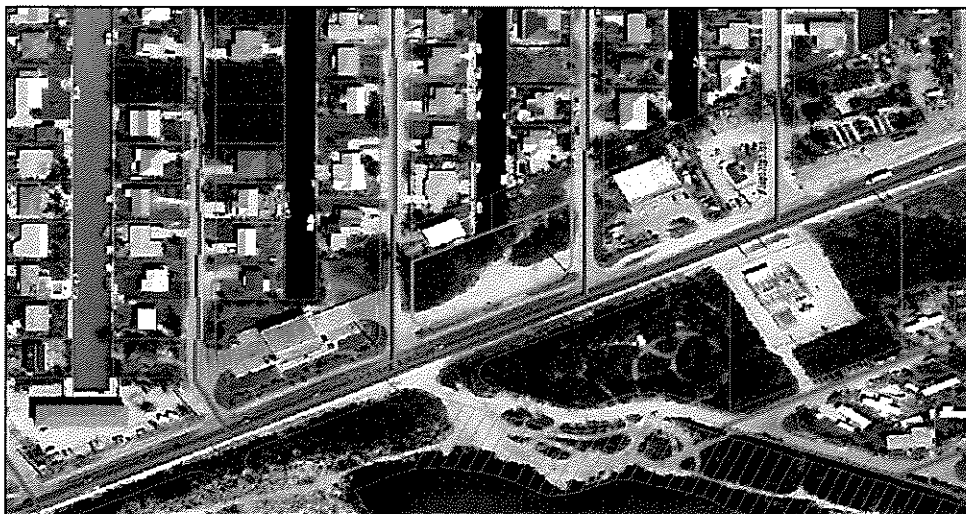
**Meeting: October 8, 2008**

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I REQUEST:

A. Proposal:

The subject property is located in a Sub Urban Commercial (SC) Land Use District. The property is a corner lot and the applicant is requesting a variance of nine (9) feet from the required twenty-five (25) foot front yard setback along US 1, twenty-two (22) feet from the required twenty-five (25) foot front yard setback along Emerald Drive, and nine (9) feet from the required twenty-five (25) foot setback along Sapphire Drive. As a result, the front yard setbacks would be eighteen (18) feet along US 1, three (3) feet along Emerald Drive, and fourteen (14) feet along Sapphire Drive.



Subject Property, Overseas Highway, Big Coppitt Key (2006)

1 The granting of this variance will provide the applicant with more buildable land area to  
2 better facilitate the arrangement of twelve (12) deed-restricted, employee housing units,  
3 open space, internal driveways, and overflow parking areas within a proposed residential  
4 development.

5  
6 B. Location:

7 Address: Overseas Highway (US 1), between Sapphire and Emerald Drives, Big  
8 Coppitt Key, MM 10.5 (gulfside)

9 Legal Description: Porpoise Point, Section 5, Big Coppitt Key, PB5-119, Part  
10 Tract B

11 Real Estate Number: 00156320.000000  
12

13 C. Applicant:

14 Owner: Monroe County

15 Agent: Bob Calhoun, Habitat for Humanity of Key West and Lower Florida Keys  
16

17 II RELEVANT PRIOR COUNTY ACTIONS:  
18

19 The Property Appraiser's records show the subject property was conveyed to the County in  
20 December 2005. At an October 2005 Board of County Commissioners (BOCC) meeting,  
21 the BOCC directed Housing and Community Development staff to advertise a Request for  
22 Qualifications (RFQ) for the development of ten workforce housing units on the subject  
23 property. At a December 2007 BOCC meeting, the BOCC awarded the project to Habitat  
24 for Humanity.  
25

26 The applicant applied for a minor conditional use permit on June 26, 2008. The  
27 conditional use permit application is running concurrently with this variance application  
28 and is also scheduled to be heard and decided upon by the Planning Commission on  
29 October 8, 2008.  
30

31 III BACKGROUND INFORMATION:  
32

33 A. Size of Site: 36,838 ft<sup>2</sup> (0.845 acres)

34 B. Land Use District: Sub Urban Commercial (SC)

35 C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)

36 D. Tier Designation: Tier 3

37 E. Flood Zone: AE-EL 10

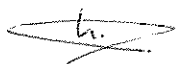
38 F. Existing Use: Vacant

39 G. Existing Vegetation / Habitat: Scarified

40 H. Community Character of Immediate Vicinity: Mixed Use, residential, commercial, and  
41 public uses  
42

43 IV REVIEW OF APPLICATION:  
44

45 As set forth in MCC §9.5-281, the required non-shoreline setbacks for the SC District are  
46 as follows: Front yard – 25 feet; Rear yard – 10 feet; and Side yard – 10 / 15 feet (where 10



1 feet is the required side yard for one side and 15 feet is the minimum combined total of  
2 both side yards).

3  
4 The subject property is a corner lot, situated between the intersections of Emerald Drive  
5 and US 1 and Sapphire Drive and US 1 on Big Coppitt Key. It is bordered by the right-of-  
6 way of Sapphire Drive to the East; the right-of-way of US 1 to the South; the right-of-way  
7 of Emerald Drive to the West; and one developed residential lot, one undeveloped  
8 residential lot, and a canal to the North. Currently, there are no structures on the subject  
9 property.

10  
11 The property has required front yard non-shoreline setbacks of 25 feet along all three  
12 rights-of-way and a required rear yard non-shoreline setback of 10 feet along the northern  
13 property line. In addition, pursuant to MCC §9.5-349(b), principal structures shall be set  
14 back at least 20 feet from the mean high water line of the canal to the North. Certain  
15 accessory structures may be permitted in the shoreline setback in accordance with MCC  
16 §9.5-349(c).

17  
18 The applicant is requesting a variance from the Planning Commission of nine (9) feet from  
19 the required 25 foot front yard setback along US 1, 22 feet from the required 25 foot front  
20 yard setback along Emerald Drive, and 11 feet from the required 25 foot front yard setback  
21 along Sapphire Drive. As a result, the front yard setbacks would be 16 feet along US 1,  
22 three (3) feet along Emerald Drive, and 14 feet along Sapphire Drive.

23  
24 The granting of this variance will provide the applicant with more buildable land area to  
25 better facilitate the arrangement of the 12 deed-restricted, employee housing units, internal  
26 driveways, open space, and overflow parking areas within a proposed residential  
27 development.

28  
29 A site plan submitted with the variance application, by Laird Ueberroth, RA and  
30 Associates, and subsequently revised August 18, 2008, indicates that two proposed  
31 residential buildings would be located within the front yard setback along US 1. In  
32 addition, proposed off-street overflow parking spaces would be located within the required  
33 front yard setbacks along Emerald and Sapphire Drives.

34  
35 *Pursuant to MCC §9.5-524, the Planning Commission may grant a variance if the*  
36 *applicant demonstrates that all of the following standards are met:*

37  
38 A. *The applicant demonstrates a showing of good and sufficient cause;*

39  
40 The applicant contends that the site presents a difficult design problem because of the  
41 three (3) street frontages. There is also 20 foot utility easement with a recently installed  
42 sewer line along the northern portion of the property. The applicant believes that if the  
43 requested variance is approved, the property would have the same buildable area as  
44 property with only one street frontage. In addition, by permitting the location of the  
45 overflow parking spaces closer to Emerald and Sapphire Drives, it would reduce the need  
46 for guests to park on Emerald and Sapphire Drives.



1  
2 Staff has determined that a variance to the required non-shoreline front yard setbacks  
3 along US 1, Emerald Drive, and Sapphire Drive would be necessary in order for the  
4 applicant to construct the 12 employee housing units as well as the internal driveways,  
5 overflow parking areas, and open space. Therefore, staff has found that the applicant has  
6 demonstrates a showing of good and sufficient cause.  
7

8 *B. Failure to grant the variance would result in exceptional hardship to the applicant;*  
9

10 The applicant asserts that by constructing the 12 employee housing units in the four (4)  
11 buildings, rather than all the employee housing units in one (1) building, would keep the  
12 proposed development consistent with the character of the surrounding neighborhood,  
13 which is a criteria for approval of the conditional use permit.  
14

15 Staff believes the residential development as proposed would be more consistent with the  
16 surrounding neighborhood of single-family dwellings and duplexes. The proposed  
17 design integrates the internal driveways and open space among the four (4) buildings in a  
18 manner that would be more astatically pleasing than constructing a single building with  
19 the 12 housing units. To deny the variance would deny the ability to comply with the  
20 conditional use requirements for neighborhood compatibility and deny a normal building  
21 area which would produce an exceptional hardship. Therefore, staff has found that  
22 failure to grant the variance would result in exceptional hardship to the applicant.  
23

24 *C. Granting the variance will not result in increased public expenses, create a threat to*  
25 *public health and safety, create a public nuisance, or cause fraud or victimization of the*  
26 *public;*  
27

28 The applicant asserts that the variance will not result in increased public expenses, create  
29 a threat to public health and safety, create a public nuisance, or cause fraud or  
30 victimization of the public. The applicant further states that potential nuisance to the  
31 public would be reduced by allowing the overflow parking areas in the front yard  
32 setbacks along Emerald and Sapphire Drives, thus reducing the need for overflow  
33 parking to take place on Emerald and Sapphire Drives.  
34

35 Staff has found that granting the variance will not result in increased public expenses,  
36 create a threat to public health and safety, create a public nuisance, or cause fraud or  
37 victimization of the public.  
38

39 *D. The property has unique or peculiar circumstances, which apply to this property, but*  
40 *which do not apply to other properties in the same zoning district;*  
41

42 The applicant contends that the County granted a 20 foot utility easement along the  
43 northern property line, where a sewer line was recently installed. This requires the  
44 buildings to be set back 20 feet from the northern property line.  
45

1 The applicant further contends that the property would normally be considered a side  
2 yard because the buildings face Emerald and Sapphire Drives, thus only a 10 foot setback  
3 would be required. According to the applicant, this side yard would only have to provide  
4 a 16 foot Class-D bufferyard (80 percent of 20 feet due to the provision of a solid wall).  
5 Consequently, due to the utility easement, the buildings must be closer to US 1.  
6

7 The applicant states that due to the three (3) street frontages, utility easement, and the fact  
8 that the proposed development would consist entirely of employee housing, that the site  
9 is unique and peculiar and does not apply to other properties in the SC District.  
10

11 The property is bordered by three rights-of-way. Although there are several other corner  
12 lots in the SC District, few properties are situated in a similar manner and have three  
13 front yard setback requirements. Therefore, staff has found that the property has unique  
14 or peculiar circumstances, which apply to this property, but which do not apply to other  
15 properties in the same zoning district.  
16

- 17 E. *Granting the variance will not give the applicant any special privilege denied other*  
18 *properties in the immediate neighborhood in terms of the provisions of this chapter or*  
19 *established development patterns;*  
20

21 Staff has found that granting the variance will not give the applicant any special privilege  
22 denied other properties in the immediate neighborhood in terms of the provisions of the  
23 land development regulations or established development patterns.  
24

- 25 F. *Granting the variance is not based on disabilities, handicaps or health of the applicant or*  
26 *members of his family;*  
27

28 Staff has found that granting the variance is not based on disabilities, handicaps or health  
29 of the applicant or members of his family.  
30

- 31 G. *Granting the variance is not based on the domestic difficulties of the applicant or his*  
32 *family; and*  
33

34 Staff has found that granting the variance is not based on the domestic difficulties of the  
35 applicant or his family.  
36

- 37 H. *The variance is the minimum necessary to provide relief to the applicant.*  
38

39 The applicant asserts that the variance request is the minimum necessary to provide relief.  
40 The applicant further states that due to the utility easement being 10 feet larger than the  
41 required side yard setback, the proposed variance of nine (9) feet along US 1 is the  
42 minimum footage necessary in order to construct the 12 employee housing units.  
43

44 In addition, the applicant states that the setback encroachments along Emerald and  
45 Sapphire Drives are only necessary to provide additional onsite parking in order to

1 accommodate concerns of the neighbors and greatly reduce the potential street-side  
2 parking by visitors.

3  
4 Staff has found that the variance is the minimum necessary to provide relief to the  
5 applicant.

6  
7 V RECOMMENDATION:

8  
9 Staff recommends APPROVAL to the Planning Commission for a Variance of 9 feet from  
10 the required 25 foot front yard setback along US 1, 22 feet from the required 25 foot front  
11 yard setback along Emerald Drive, and 11 feet from the required 25 foot front yard  
12 setback along Sapphire Drive, with the following conditions:

- 13  
14 A. This variance is based on the design of the four (4) residential buildings, with a total of  
15 twelve (12) employee housing units, as shown on the most up-to-date site plan in the  
16 conditional use permit application. Work not specified or alterations to the site plan may  
17 not be carried out without additional Planning & Environmental Resources Department  
18 approval.  
19  
20 B. This variance is to allow the four (4) residential buildings, with a total of twelve (12)  
21 employee housing units, as shown on the most up-to-date site plan in the conditional use  
22 permit application, within the required front yard setbacks along US 1, Emerald Drive,  
23 and Sapphire Drive. It does not waive any other required setbacks and it does not waive  
24 the required front yard setbacks for any future structures or additions.

25  
26 VI PLANS REVIEWED:

- 27  
28 A. Site Plan (S1) by Laird Ueberroth, RA & Associates, dated August 18, 2008 (SEE  
29 ATTACHED)  
30 B. Boundary Survey by R.E. Reece, PA, dated September 15, 2005